

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3500

IN THE MATTER OF:

Served May 9, 1990

Application of WILLIAM C. DYE)
Trading as W&D TRANSPORTATION for)
an Amended Certificate of Public)
Convenience and Necessity --)
Special Operations)

Case No. AP-90-20

By application filed April 30, 1990, William C. Dye trading as W&D Transportation (Mr. Dye or applicant) seeks a certificate of public convenience and necessity to transport transportation-disadvantaged passengers in special operations between points in the Metropolitan District, 1/ restricted to transportation in vehicles having a manufacturer's designed seating capacity of 15 passengers or less (including the driver).

Mr. Dye holds WMATC Certificate No. 61 which authorizes the transportation of non-ambulatory participants in the Medicaid program of the District of Columbia in special operations between medical treatment facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, restricted to transportation in vehicles specially equipped with certain devices for wheelchair use. If this application is granted, Mr. Dye would provide non-emergency transportation between 6 a.m. and 6 p.m., Monday through Saturday, as described above in addition to the transportation authorized by WMATC Certificate No. 61. Mr. Dye would provide the proposed service using four vehicles having seating capacities ranging from five passengers to twelve passengers. Two of the vehicles would be dedicated to service for the account of D.C. Chartered Health Plan, Inc. (Chartered), if an application of Mr. Dye for temporary authority to serve that account in charter operations pursuant to contract is granted. 2/ See Order No. 3495, served May 2, 1990. The

1/ To the extent the application could be interpreted to include transportation solely within the Commonwealth of Virginia, it is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

2/ Mr. Dye seeks temporary authority to serve Chartered in charter operations pursuant to contract by means of an application styled for special operations. Notice is hereby given that Mr. Dye may amend this application to include charter service pursuant to contract for Chartered's account. Mr. Dye's pending temporary authority application could not, if granted, suffice as authorization for the service W&D seeks to provide Chartered. If Mr. Dye wishes to make this amendment, he must do so formally; otherwise his application will stand as filed.

remaining two vehicles are each modified with ramps, wheelchair tie-downs, and seatbelts to accommodate two wheelchairs. Mr. Dye proposes the following tariffs:

Medicaid

Round trip	\$35.00
One way	\$25.00
cancellation	7.50
each additional man	5.00 each way
\$.75 per loaded mile beyond the Capital Beltway	
Waiting time- \$5.00 per 15 minute period	

Non-Medicaid

Round trip	\$50.00
One way	30.00
cancellation	7.50
each additional man	10.00 each
each caretaker for passenger-	one-fourth of charge
for passenger	
\$1.50 per loaded mile beyond the Capital Beltway	
Waiting time- \$5.00 per 15 minute period	

Under both tariffs, parking fees and/or tolls incurred will be charged to the client.

The tariff contains the following note:

Applicant has an application pending for temporary authority for contract authority to transport persons between health care facilities in Washington, D.C. pursuant to a contract with Chartered Health Plan. Said proposed tariff for that service is \$1.00 per month per member of the involved health plan.

With his application Mr. Dye submitted a balance sheet as of January 31, 1990, showing current assets of \$17,000 and no fixed or other assets. The balance sheet lists current liabilities of \$15,852 and proprietor's equity of \$1,148. It is noted that Mr. Dye is a sole proprietor who owns four revenue vehicles. Applicant will be ordered to submit a recent and detailed statement of net worth reflecting these facts. Applicant's operating statement for the 12 months ended December 31, 1989, shows \$134,000 in WMATC income, with concomitant expenses of \$122,238. If this application is granted, Mr. Dye projects revenues from the proposed service of \$75,000 during 1990, with expenses during the same period attributable to the proposed service of \$40,600.

Pursuant to Title II, Article XII, Section 4(b) of the Compact this application will be scheduled for public hearing to determine whether applicant is fit, willing, and able to perform the proposed

service properly and comply with the Compact and the Commission's rules and regulations and to determine whether the public convenience and necessity require the proposed service. Applicant will be assessed an amount preliminarily estimated to cover the hearing expenses he is required to bear pursuant to the Compact, Title II, Article XII, Section 19.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case No. AP-90-20 is hereby scheduled to commence Thursday, June 21, 1990, at 9:30 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

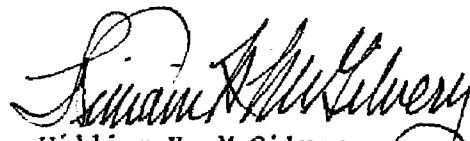
2. That William C. Dye trading as W&D Transportation shall publish once in a newspaper of general circulation in the Metropolitan District and shall post conspicuously and continuously through the date of public hearing notice of this application and the hearing thereon, in the form prescribed by the staff of the Commission, no later than Thursday, May 24, 1990, and shall present at hearing affidavits of publication and posting.

3. That any person desiring to protest this application shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than Friday, June 8, 1990, and shall simultaneously serve a copy of such protest or notice on applicant's counsel, Vernon A. Williams, Esquire, 2041 Martin Luther King Jr. Avenue, S.E., Suite 301, Washington, DC 20020.

4. That William C. Dye trading as W&D Transportation is hereby assessed \$250 pursuant to the Compact, Title II, Article XII, Section 19 and is directed to deliver said amount to the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Friday, June 8, 1990.

5. That William C. Dye trading as W&D Transportation is hereby directed to file with the Commission, no later than Friday, June 8, 1990, a recent and detailed statement of financial condition and operating statement, together with supporting schedules, on the forms provided by the Commission as part of the application.

FOR THE COMMISSION:


William H. McGilvery
Executive Director

